In re MICHAELI ET AL., Application No. 09/845,606
Remarks D

STATUS OF CLAIMS

Claims 1-8 and 13-34 are pending in this application. All claims stand rejected under 35 USC § 103(a) as being unpatentable over Klausmeier et al, US Patent 5,838,915, in view of Dagli et al, US Patent Application Publication US 2002/0126673 A1.

SUMMARY OF CLAIMED SUBJECT MATTER

There are ten independent claims pending, claims 1, 13, 21, 22, 23, 24, 25, 26, 27 , 28 and 33, directed to an apparatus or method for distributing received items among sub-data structures (e.g., queues) and removing them from these sub-data structures in the same order.

ARGUMENT

Applicants respectfully submit that there is clear error in the final Office action mailed May 16, 2006, as the prior art of record, alone or in combination neither teaches nor suggests all the limitations of any pending claim.

Applicants respectfully submit that the Office is misinterpreting the cited teaching from Paragraph 47 of Dagli et al., which actually only teaches that a queue of Dagli et al. can be a FIFO. Note, this sentence even clarifies itself in what it means by "the same order it was received" - its states "i.e., written to the queue." Note, it uses the singular term "queue" and "i.e." means "that is", so this phrase means the order written into a queue, such as queue 210 which the text is using to describe the operation of an embodiment. Applicants submit that both literally and in context of the other statements in the application itself, this passage merely teaches that a queue of Dagli et al. can be a FIFO. This passage neither teaches nor suggests retrieving items in the same order the items were received and distributed among multiple queues, which would be required of Dagli et al. in order to teach the limitation of "the receiver receives the items from the plurality of sub-data structures in the order" (where "the order" is

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